

**ELECTRICAL ADVISORY COMMITTEE MEETING  
SEPTEMBER 16, 2003 MINUTES**

**Department of Housing, Buildings & Construction  
Electrical Section  
101 Sea Hero Rd Suite 100  
Frankfort KY 40601-5405**

**MEMBERS IN ATTENDANCE**

Archer, James	Holthouser, Norman G.	Leake, Michael
Malone, Mary	Moore, Jonathan	Osborne, Gary
Pace, Chris	Shouse, Jerry	

**MEMBERS IN ABSENT**

Howard, Jan	Shelton, Don	Strange, Jim
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**DEPARTMENT OF HOUSING STAFF IN ATTENDANCE**

Dempsey, Frank; Department of Housing Legal Counsel  
Langford, Dennis; Department of Housing Commissioner  
Perkins, Billy; Chief Electrical Inspector  
McMichael, Shawwna; Administrative Secretary, Hazardous Materials  
Smith, Nathan; Electrical Field Inspector (*SE-114*)

**VISITORS IN ATTENDANCE**

Corrigan, Tom; Independent Electrical Contractors Association Inc (*IEC*)  
Davidson, Harlem; Hazard Technical College  
Dzwonczyk, John; JGD Associates Inc  
Enzweyler, Mike; Home Builders Association (*HBA*) of Northern Kentucky  
Fusto, John; National Electrical Contractors Association (*NECA*)  
Hancock, Hank; Kentucky Association of Plumbing Heating Cooling Contractors (*KAPHCC*)  
Matthews, Robert "*Bob*"; City of Franklin- Simpson County Electrical Inspector (*2051-C*)  
Rechtin, Tom; Kentucky Association of Plumbing Heating Cooling Contractors (*KAPHCC*)  
Smith, Earl; Murphy USA  
Thomson, Richard; International Brotherhood of Electrical Workers Local 1701  
Trivette, Mel; Franklin County Electrical Inspector (*2374-C*)

**Meeting Called to Order**

Chris Pace made a motion to call the meeting to order at 9:08 a.m. Gene Holthouser seconded the motion. All in favor. Motion carried.

Chairman Archer asked if there was any corrections need to the September 4, 2003 Committee meeting minutes. Gary Osborne made a motion to approve the minutes with no corrections needed. Chris Pace seconded the motion. All in favor. Motion carried.

### **New Business- Commissioner Langford**

Commissioner Langford stated that the Department will be going before the Interim Joint Licensing & Occupation Sub-Committee at Iroquois High School in Louisville Kentucky at 10:00 a.m. on September 19, 2003 to testify in front of the Sub-Committee. Commissioner Langford stated that the Department is putting together a presentation for the Sub-Committee. Commissioner Langford asked that he would like the Electrical Advisory Committee Members attend the meeting if their schedules permit. Commissioner Langford asked that the Members let him know before the meetings start to ensure they are introduced to the Sub-Committee. The Department has been allotted 20 minutes to make their presentation to the Sub-Committee. The IT Section will be doing a presentation about the online application on the total number of licenses and moneys received from online.

Commissioner Langford introduced the new IT Manager, Jingbo He, who was certified last week on Microsoft, which there are only 8,000 people holding this certification. The IT Section is in the process of getting the Division of Plumbing online. The Department is trying to get all licenses and permits on the Internet. The Department has a meeting later this week on proposed General Contractor licensing.

### **Frank Dempsey- Electrical Continuing Education Procedures**

Legal Counsel Dempsey has drafted an Electrical Continuing Education Procedures as discussed in the September 4, 2003 meeting for the Committee's review. Chairman Archer inquired if the procedures also included the Electrical Inspectors continuing education being able to qualifying for Master and Electricians continuing education. Legal Counsel Dempsey answered yes. Legal Counsel Dempsey further stated Section 3 of the previous draft, which included carrying continuing education hours over to the next renewal year, was taken out of this draft. Legal Counsel Dempsey stated that Section 3(6) is limited to out-of-state classes only. Legal Counsel Dempsey stated that Section 3(6) can be removed if the Committee determines it this section is not necessary.

Billy Perkins inquired if an individual already was issued a pending license would the code of ethics still apply. Legal Counsel Dempsey answered yes, if an individual files a fraudulent application that is a violation. Michael Leake inquired on Section 2 if there was a 2 hour limit total of safety on each license. Jonathon Moore inquired how a corporation gets continuing education. Mr. Pace stated that the corporation or company designates a person to hold their license and is then required to have the continuing education for the corporation or company.

Mr. Pace made a motion to amend Section 2 to say "No more than 2 hours earned in a licensing year per license may relate to safety practices and procedures". Mr. Moore seconded the motion. All in favor. Motion Carried.

Mr. Moore inquired how this section was going to be enforced. Mr. Moore further inquired what if someone takes an 8-hour course, which will not say safety 2 hours. Mr. Pace stated that the provider will enforce this section. Mr. Moore stated that the Department has no provision to do that. Legal Counsel Dempsey stated that the provider has to supply a synopsis of the course, date and number of credit hours to the Department. Mr. Leake inquired on Section 4, since there are people that may have a Master License with an Inactive Inspectors certification would the Master

continuing education qualify for Inspectors continuing education. Legal Counsel Dempsey stated that the provider would have to be approved to as a Continuing Education Provider for Electrical Inspectors. Mary Malone stated that the continuing education providers for Electrical Inspectors must also be approved as electrical continuing education providers. Ms. Malone stated that the Department has never had a problem with continuing education problem before. Mr. Perkins stated that the Committee has not approved anyone else as a continuing education provider for Electrical Inspectors. There are organizations that have applied to teach both Electrical Inspectors and Electrical Licensing continuing education.

Hank Hancock inquired if each license holder has to have a 6-hour continuing education course per license. Mr. Hancock further inquired if someone holds a Master, Electrician and Contractors license would they be required to have 18-hours of continuing education credits. Ms. Malone inquired why an individual would hold all 3 licenses due to the fact the Master licenses supercede the Electricians license. Mr. Hancock stated if that was the case, would an individual be required to have 12 hours of continuing education. Legal Counsel Dempsey answered yes.

Mr. Pace made a motion to approve the Electrical Continuing Education Procedures as amended. Mr. Osborne seconded the motion. All in favor. Motion carried.

**Frank Dempsey- Code of Ethics**

Chairman Archer inquired if there were any additions to the code of ethics. Mr. Osborne stated he did not see a code of ethics referring to Contractors knowingly sending unlicensed employees to work. Mr. Pace stated that item number 14 covers this topic. Legal Counsel Dempsey stated that item number 14 is close but partially covered. However, a company can use unlicensed personnel but must be supervised. Mr. Moore inquired if item number 10 covered ADA. Legal Counsel Dempsey stated it does not develop a disability but a disability that causes a danger to the public. Ms. Malone stated that there have been studies done saying what ADA people have to be able to do in a profession. Legal Counsel Dempsey stated that he agreed and that item number 9 covers people with drug problems that cause an actual danger to the public.

Mr. Pace made a motion to approve the code of ethics as written. Mr. Holthouser seconded the motion. All in favor. Motion carried.

Legal Counsel Dempsey stated that Mr. Perkins mentioned that the code of ethics should be retroactive to June 24, 2003. Mr. Moore inquired if the Committee was authorized to retroactive the code of ethics. Mr. Perkins stated that the Committee is in the process of setting all of the ground rules. Mr. Perkins further stated that there was not way all of the ground rules could have been set before the June 24, 2003 grandfathering started. Legal Counsel Dempsey stated that by approving the code of ethics this is making a rule more specific. There are broad guidelines in the statute that the Committee can address.

Mr. Osborne made a motion to retroactive the code of ethics to June 24, 2003. Mr. Pace seconded the motion. All in favor. Motion carried.

Mr. Pace stated that the Committee has still not done a code of ethics for the Electrical Inspectors. Legal Counsel Dempsey answered yes. However, we can add, "If an Electrical Inspector becomes aware of a violation of KRS.227A, the Electrical Inspector is to report the violation to the Department." Legal Counsel Dempsey stated that the next big hurdle would be permanent procedures. The Committee will have to identify the test and procedures in the regulation. The code of ethics and continuing education procedures are big hurdles that have been accomplished. The Committee is close to being done with Electrical Licensing.

#### **Appeal- Murphy USA (Maysville, KY)**

Mr. Perkins stated the reason the Committee is reviewing the appeal is due to a disagreement with the Engineer and local Electrical Inspector. Mr. Perkins stated that he had sent Electrical Field Inspector, Nathan Smith to investigate this situation, which Mr. Perkins sided with Mr. Smith's findings. The Engineer disagreed with Mr. Perkins decision and appeal to the Committee.

John Dzwonczyk, Design Engineer at JGD Associates Inc stated that he designs all of Murphy USA sites. Mr. Dzwonczyk stated that normal electrical gear is used in unclassified areas and classified areas. The local Electrical Inspector, Gene Conley (2182-C) told Mr. Dzwonczyk that this location installation would not be acceptable. NFPA gave a determination that this installation. Mr. Dzwonczyk stated that he has requested a formal hearing with NFPA, which was determined to be unnecessary by NFPA due to the code being self-explanatory. Mr. Smith stated that he reviewed the site installation at the location and agreed with Mr. Conley's decision. Chairman Archer inquired if the problem with arching. Mr. Dzwonczyk answered yes. Mr. Smith stated that this location has a regular panel without an explosion proof panel. Mr. Perkins stated that the panels have to be classified for the area the panels are located in. Mr. Dempsey stated the panels would have to be explosion proof panels if over a height of 18 inches and less than 12 feet.

Chairman Archer inquired if the panel was totally enclosed. Mr. Smith answered the panels was totally enclosed with the doors being shut. According to Mr. Smith, if the maintenance employee does not shut the entire panel down before servicing the panel a problem may exist. Mr. Smith agreed but stated the biggest problem with the installation is the maintenance of the panel. Mr. Pace inquired if this is a typical design. Mr. Dzwonczyk answered yes, although there are not very many of the designs completed in Kentucky. This design is new in Kentucky being faced inward instead of outward. Legal Counsel Dempsey read the definition in the NEC for "enclosed". Mr. Moore made a motion to accept the appeal in the matter of Murphy USA. Mr. Pace seconded the motion.

Chairman Archer asked Legal Counsel Dempsey to read the definition of "arching" to the Committee. Ms. Malone stated the panel certainly could produce an arching flash. Ms. Malone further explained the panel board contains an arch flash warning strikes. Mr. Osborne inquired if Mr. Smith's position was to not have the panel within 20 feet. Mr. Smith answered yes; they will not shut down the panels. Mr. Moore stated in a Division 2, there is not an expected hazard to exist but is possible.

Chairman Archer stated that if the panel has arching equipment the panel has to be 12 feet. Legal Counsel Dempsey inquired if the panel was enclosed. Chairman Archer answered yes, unless maintenance has panel open to do maintenance work. Mr. Moore stated that if they use explosion proof equipment in this area there still the problem with maintenance work. Mr. Perkins stated the equipment must be listed, labeled and approved for the area. Legal Counsel Dempsey stated that Division 2 is requires the panel be totally enclosed if the location is 18 inches and within 12 feet to meet Class 1 classifications. Mr. Smith reemphasized that his point was if there is a spill and maintenance work being performed on the panel there might be a problem. However, if there is a disconnect installed the maintenance worker could lock-out-tag-out.

Mr. Osborne and Ms. Malone disagreed with the motion. Mr. Leake choose to sustain from the motion due to lack of experience. Motion carried to accept the Murphy USA appeal with majority ruling.

#### **Tom Rechtin- Control Wiring for HVAC**

Tom Rechtin stated that he is an HVAC and Electrical Contractor in Northern Kentucky. Mr. Rechtin served on the HVAC Board for 8 years and currently serving on the Department Board. Mr. Rechtin stated that with standard practices most of the HVAC Contractors do the electrical work from the disconnect to the unit and panel board to unit with low voltage wiring. Low voltage wiring did not require a license or require a permit to be pulled. Sometimes older homes require circuits to go outside to the furnace without an Electrical Contractor or Master Electricians license. Mr. Rechtin stated that if he has to call in a Master Electrician to do the wiring the bills with increase to his customers.

Mr. Rechtin stated his company also does electrical work. However, running conduit for HVAC systems will affect other HVAC Contractors in Kentucky. Mr. Rechtin believes that if a licensed Master HVAC Contractor pulls a permit and is required to have the system inspected they should be allowed to do the control wiring. Mr. Rechtin requested clarification and hopes the clarification can be done by regulation.

According to Mr. Rechtin, Electrical Inspectors in Louisville have turned down projects due to the HVAC Contractor installing the thermostat. Mr. Pace stated that low voltage is exempt from electrical licensing. Legal Counsel Dempsey answered no, only low voltage telecommunications are exempt from electrical licensing. Mr. Perkins stated that people who install sprinklers and fire alarms also have questions on low voltage issues like Mr. Rechtin. Mr. Osborne stated that he believes the Committee has reviewed this issue before. Mr. Osborne further stated that he believes that no electrical license should be required if the HVAC Contractor goes from the disconnect to the unit. However, from the unit to the panel will require a licensed Electrical Contractor. Mr. Rechtin agreed with Mr. Osborne. Jerry Shouse stated that he does HVAC work as well as electrical work. Mr. Rechtin inquired what he does on new installations. Mr. Shouse answered new construction from the panel to the unit is handled by an Electrician. However, the HVAC Contractor will handle the unit to the disconnect.

Tom Corrigan stated that practice in the Louisville area is the HVAC Contractor does the unit only. Mr. Corrigan stated the Committee did rule that the HVAC Contractor could hook up the disconnect to the unit. However, no one passed this information to the HVAC Contractors, Electrical Inspectors or Electrical Contractors. The Louisville Advisory Board stated that they can not set the disconnect without permit.

Legal Counsel Dempsey stated that the Committee could not adopt this by regulation due to LRC rejecting the request to change the regulation. This could be change by a statutory amendment. However, not all of the low voltage should be exempt. Ms. Malone read the definition of Master Electrician and stated that HVAC work can not be exempted. Mel Trivette stated that he does not believe that HVAC Contractors should be issued an Electrical Contractor or Master Electricians license, which authorizes them to wire homes, etc. Mr. Corrigan stated that when we get into the unwritten issue we need interpretation. Mr. Osborne inquired how many jobs have been turned down due to them doing the work. Ms. Malone answered never, however jobs may have been turned down due to code problems. Mr. Perkins stated the Electrician pulls all wiring to the control sections but do not hook up the controls wiring. Legal Counsel Dempsey stated that the Committee has discussed control wiring with all different groups. A statutory regulation could be introduced in January regarding the control wiring. A Certified Electrical Inspector should inspect low voltage according to the NEC.

#### **Website posting of minutes**

Chairman Archer stated that all amendments should be sent out to Contractors and Inspector. Chairman Archer inquired if the minutes can be placed on the Department's website. Legal Counsel Dempsey answered yes. Mr. Perkins stated that the amendments and decisions could be sent to whomever the Committee decides to send the information to. Ms. Malone asked if the Committee does not act on a topic/issue until the next meeting, does the minutes need to be posted on the website. Mr. Pace answered that only the motions that the Committee votes on should be posted on the website. Legal Counsel Dempsey stated a mass mailing could be time consuming. Mr. Perkins stated that any information that needs be sent to Electrical Inspectors would be mailed to them. Mr. Pace asked that the Department to place the motions from the last 6 meetings on the Department website.

#### **Control Wiring for HVAC- continued**

Mr. Osborne made a motion to limit unlicensed Electricians to hook-up the disconnect to the condensing unit. Motion never received second.

Mr. Perkins understood that the disconnect to unit did not require an electrical license. However, from the panel to the disconnect will require an electrical license. Mr. Moore asked if his air handler goes out what is the requirement for licensure. Mr. Perkins stated that would be considered maintenance unless the Contractor has to run a new circuit. Mr. Perkins further stated that this also includes hot water heater replacements. Mr. Corrigan stated that HVAC Contractors that do not hold a Master Electricians license would not be allowed to run new circuits. Mr. Trivette stated that some air handlers are dropped at residences/businesses and put in by HVAC Contractors without electrical licenses as long as they don't pull the circuits.

Mr. Osborne stated that he believes an electrical license is not required as long as connection does not exceed 6 ft on the load side for HVAC, boilers and plumbing. Ms. Malone stated that the HVAC Contractor is responsible for the HVAC unit and they want to make all connections. Mr. Moore made a motion at 11:00 to take a break for 15 minutes. Mr. Pace seconded the motion. All in favor. Motion carried.

At 11:15 Mr. Pace made a motion to reconvene the meeting. Mr. Holthouser seconded the motion. Chairman Archer reviewed the July 7, 2003 Electrical Advisory Committee meeting minutes on page 3 regarding HVAC. Mr. Pace stated this issue goes back to the warranty. Mr. Pace further explained that the Committee is trying to define electrical line side to be done by an Electrician. However, some units have internal breakers. Mr. Moore made a motion to direct the Department to allow unlicensed electrical persons to make the final connections of less than 6 feet on unit. Ms. Malone had an issue with Mr. Moore's motion. Mr. Leake inquired if HVAC is defined in the NEC as an appliance. Ms. Malone answered no to Mr. Leake's question.

Mr. Moore made a motion to table the issue until the next Electrical Advisory Committee meeting. Mr. Pace seconded the motion. All in favor. Motion carried.

#### **Hank Hancock – KAPHCC**

Hank Hancock stated that he represents Kentucky Association of Plumbing Heating & Cooling Contractors (KAPHCC) and a former mechanical contractor for 30 years. Mr. Hancock thanked the Committee for their time to develop the continuing education provider guidelines. Mr. Hancock stated that he sent Mr. Perkins a letter in July requesting information on how to become a continuing education provider especially in business courses. Mr. Hancock informed the Committee that he helped establish HVAC in 1994 and someone filed a bill in 1998 to abolish the Division of HVAC. Mr. Hancock stated that he would be sending in the necessary paperwork receive approval from the Committee to become a Continuing Education Provider.

#### **Continuing Education - Bob Matthews**

Bob Matthews is the City of Franklin- Simpson County Electrical Inspector (2051-C). Mr. Matthews stated that he has attended the last 50 continuing education courses that International Association of Electrical Inspectors (IAEI) and all of Dann Strube's classes. Mr. Matthews stated that he is certified with Associated Builders & Contractors (ABC) to teach continuing education classes. Mr. Matthews has taught electrical training in factories in his area by using the Mike Holt 4-hour power-point training for the last 10 years. According to Mr. Matthews, the Bowling Green Clearinghouse is not adequate training. Mr. Matthews stated that he will be providing continuing education all over his surrounding counties not the entire state of Kentucky.

Mr. Matthews stated that he has 81 hours of teaching credits from Western Kentucky University and a diploma from Western Kentucky Technology school in Bowling Green. Legal Counsel Dempsey informed Mr. Matthews he would have to send the requirements for continuing education providers to our office before he would be approved. Ms. Malone stated that the classes would need to be listed for the type of license the classes would eligible for. Mr. Pace stated that the Department encourages the providers to record the continuing education credits

(CEU) into a website. Mr. Matthews stated that the Bowling Green Clearinghouse would sponsor the classes he will be teaching.

Mr. Osborne inquired if the Committee could approve any provider at this point. Legal Counsel Dempsey answered yes, but we can attentively approve the providers pending approval from LRC. Legal Counsel Dempsey stated that he will be discussing this matter with Commissioner Langford to determine if an emergency regulation or regular regulation, which will take 3-4 months.

Mr. Pace stated that there are a lot of qualified people to teach continuing education. Legal Counsel Dempsey stated that the Committee would get enough providers to be able to have continuing education for all of Kentucky. Mr. Moor made a motion to make 2 Sub-Committees (Testing & Continuing Education), that are composed with 5 Committee Members to coordinate. Mr. Pace seconded the motion. All in favor. Motion carried.

#### **Continuing Education – Harlan Davidson**

Harlan Davidson, who is the Administrator of continuing education at the Hazard Technical College, which does massive amounts of continuing education. Mr. Davidson stated that the Technical College was specifically built for continuing education.

Mr. Davidson stated that the Department of Mines and Minerals holds their continuing education for Underground Electricians yearly. Mr. Davidson inquired if an Underground Electrician has their continuing education through the Department of Mines and Minerals, would their continuing education count towards Contractors, Master Electrician or Electrician license. Ms. Malone believes the continuing education should not count toward electrical license. Legal Counsel Dempsey stated that the Department of Mines and Minerals would have to be approved as a provider. Mr. Osborne stated that due to Underground Electricians made an effort to get exempt from electrical licensing bill. Mr. Perkins stated that he has talked with the Department of Mines about this issue already. Mr. Leake agreed with Legal Counsel to make the Department of Mines get approved as a provider otherwise their education would not be approved. Mr. Davidson stated that he was here to represent himself not KCTCS at this point and would be sending in the necessary paperwork to become a provider.

#### **Continuing Education – Home Builders Association (HBA)**

Mr. Enzewiler of the Home Builders Association he will not be discussing continuing education since the Committee has already covered the items that he need clarification. Mr. Enzewiler will be mailing in the necessary paperwork to be approved as a provider.

HBA operates a 4-year Apprenticeship Program and would like the training to be considered as a pre-licensing program. HBA has meet with 3 local centers, which is in a network of 24 HBA in Kentucky. The 24 HBA networks consist of 1204 local business operators. Mr. Enzewiler inquired if the continuing education guidelines cover pre-licensing programs. Legal Counsel Dempsey answered no; the Committee has not covered pre-licensing programs yet.

Mr. Perkins stated that he would have Shawwna McMichael to mail the Electrical Continuing Education Provider Guidelines to all of the continuing education provider applicants. At 12:20

Mr. Moore made a motion to take a break for 5 minutes to allow Chairman Archer to appoint Committee Members to the Sub-Committees. Mr. Pace seconded the motion. All in favor. Motion carried.

At 12:25 Mr. Pace made a motion to reconvene the meeting. Mr. Moore seconded the motion. All in favor. Motion carried.

Chairman Archer stated the Sub-Committees are comprised as follows:

**Testing Sub-Committee**

Jan Howard  
Jim Strange  
Gary Osborne  
Don Shelton  
Jonathan Moore

**Continuing Education Sub-Committee**

Michael Leake  
Chris Pace  
Gene Holthouser  
Mary Malone  
Mike Shouse

Chairman Archer will not be appointed to either Sub-Committees. Chairman Archer asked Ms. McMichael to email the current list of Committee Members to all members. Ms. McMichael answered there would be no problem to send the list to all of the Committee Members.

**Temporary Services**

Mr. Osborne inquired if Temporary Manpower Services (temporary agency) has to have an electrical license. Legal Counsel Dempsey stated that he has similar inquiries from Louisville as well. Louisville representatives will be coming to discuss this issue with the Plumbing Board. The Department is going to let the Plumbing Board serve as a test case for temporary services.

Mr. Osborne stated that plumbing is similar in case and further inquired if they should be licensed as Electrical Contractors. Legal Counsel Dempsey inquired if Mr. Osborne has specific cases he is referring to. Mr. Osborne answered yes, and that he will be sending him the list for his review.

**Electrical Licensing**

Mr. Osborne stated that he has a gentleman that interviewed for the Apprenticeship Program with 3 years of electrical experience that already had a pending Master Electrician License. Ms. McMichael reviewed the electrical licensing process for the Committee Members. Mr. Osborne inquired if it was possible for someone to obtain a pending electrical license without the required experience. Ms. McMichael answered yes, however a letter will be sent to the applicant requesting more documentation of electrical work experience. Mr. Osborne inquired if there were any permanent licenses issued yet. Mr. Perkins answered no, attentively approved but pending printing. Ms. Malone asked if the applicants that are listed as “active” are already approved pending printing. Mr. Perkins answered yes.

Legal Counsel Dempsey stated that the Department has instructed personnel, which includes temporary and co-op help, to ensure the applicants has the required experience before the permanent license gets approved. Mr. Osborne stated that the electrical experience has to be within Kentucky. Mr. Perkins stated that no one has showed him where the regulation or bill

indicates the experience has to be within Kentucky. Mr. Osborne Stated that Section 8(2) states the experience must be “within this state”. Legal Counsel Dempsey stated that Section 8(2) also states that “documenting the appropriate years of experience in his or her respective area” supercedes the statement that the experience has to be within Kentucky. Mr. Osborne has a problem with other states not accepting our license but Kentucky accepting their license. Legal Counsel Dempsey stated that the Committee will be working on a reciprocity agreement in the future.

Next Electrical Advisory Committee meeting was scheduled for Tuesday, October 7, 2003 at 9:00 a.m. Mr. Moore made a motion to adjourn the meeting. Mr. Shouse seconded the motion. All in favor. Motion carried.

Meeting was adjourned at 12:38 p.m.